

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31881-2015 (O&M)

Date of decision: 06.12.2019

Rajwinder Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohinder Singh, Advocate
for the petitioners.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. H.S. Brar, Advocate
for respondents No.6 to 10, 12 & 13.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to the official respondents to conduct an independent inquiry regarding the monopoly in the cable business of respondent No.10-Fastway Transmission Pvt. Ltd., which belongs to the Deputy Chief Minister/Home Minister, Punjab-respondent No.11, who is running respondent No.10-company, with 90% of the cable business in Punjab.

Learned counsel for the petitioners has submitted that the petitioners are being implicated in false FIRs all over the State and when

Malwa Cable Operators Sangharsh Committee, of which the petitioners are members, as small cable operators, have filed a petition before the Telecom Disputes Settlement and Appellate Tribunal, New Delhi, the orders of status quo were passed on 31.10.2014 and 28.11.2014 in the said petition, as respondents No.10 & 11 are putting pressure on the petitioners to withdraw the said case.

Reply by way of affidavit of AIG/Crime (Litigation), Punjab dated 14.10.2015, on behalf of respondents No.1 to 8, is on record and in this reply, it is stated that FIR No.41 dated 28.04.2015 under Sections 323, 451, 506, 427, 379, 148, 149 IPC and Section 25 of Arms Act, was registered at Police Station Talwandi Sabo, District Bathinda against petitioner No.12 Satnam Singh and the inquiry is under process. Rest of the contents were denied.

Separate replies on behalf of respondents No.10, 12 to 15 & 19 as well as respondents No.16 to 18 had been filed, denying the averments made in the petition. It is stated on behalf of respondent No.10-company that M/s Fastway Transmission Pvt. Ltd. is a company engaged in Cable TV distribution and on account of business rivalry, present petition has been filed.

Similar stand has been taken by other private respondents including respondent No.11, who has filed separate reply, denying the contents of the petition. Respondent No.11 has denied that he is having no concern, whatsoever, in M/s Fastway Transmission Pvt. Ltd.-respondent No.10.

Reply on behalf of CBI-respondent No.9 is also on record, in which it is stated that the Punjab Police is well-equipped to investigate such cases and prayer of the petitioners/case does not fall within the guidelines laid down by the Hon'ble Supreme Court in **State of West Bengal Vs. Committee for Protection of Democratic Rights, 2010 (3) SCC 571**, wherein some guidelines have been given regarding the cases, which can be referred to CBI.

Additional reply by way of affidavit of Deputy Superintendent of Police (Rural), Ferozepur is also on record, in which it is stated that against the petitioners, no case is registered and there is no complaint pending against them.

However, in another reply filed by way of affidavit of Deputy Superintendent of Police (SD), Talwandi Sabo, District Bathinda, it is stated that FIR No.41 dated 28.04.2015 was registered on the complaint of another Cable Operator namely Parvesh Kumar and FIR No.105 dated 19.08.2015 under Sections 379, 420, 120-B IPC was also registered at Police Station Talwandi Sabo, District Bathinda, on the complaint given by Suresh Kaushik and Shankar Kumar, both duly authorized by Sony of MSM Media Distributors Pvt. Ltd. and Star India Pvt. Ltd.

After going through the submissions made on behalf of the petitioners, various replies/status reports filed by the police authorities, counter-affidavit filed by the petitioners, reply filed on behalf of CBI and the private respondents, it is apparent that respondent No.11 is no more holding the post of Deputy Chief Minister and for the period, he was holding the office, except for registration of aforesaid FIRs No.41 and 105, duly

explained by the police authorities that these were registered at the instance of other private individuals, who are in the parallel business, with the petitioners, I find no ground to issue any such direction.

Accordingly, this petition is disposed of having been rendered as infructuous. However, it will be open for the petitioners to again approach the competent authority, in the present scenario, if they still feel any threat to their business and the same will be disposed of, in accordance with law.

06.12.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No